

Woodstock Planning and Zoning Regulation Review Subcommittee Special Meeting Minutes

Thursday, February 9, 2012 Lower Level, Woodstock Town Hall

Time: 7:30 p.m.

1. The meeting was called to order at 7:31 p.m.
2. Roll Call: D. Fortin, Chair; J. Gordon, M.D.; S. Blodgett; D. Durst. Absent: K. Goldsmith; D. Young; F. Rich; T. Serrine; J. Anastasi. Staff: D. Fey, AICP, Planner/ZEO.
3. Approval of minutes
 - a. January 5, 2012, Regular Subcommittee Meeting
 - b. January 12, 2012 Special Subcommittee Meeting
 - c. February 2, 2012 Special Subcommittee Meeting

Motion to approve minutes of January 5th, January 12th and February 2nd (J. Gordon, M.D. / D. Durst) with the following corrections:

February 2nd – Lynne White was also absent.

January 5th – The chart in the minutes may not show all the changes as agreed to at the meeting.

The changes should include dashes where missing; the setbacks should be consistent to have ‘Rear’ and ‘Side’ in the same order throughout the footnotes. D. Fey also mentioned the farm stand footnote was labeled ‘Seasonal Farm Stand Exception’ to set it apart from other larger agricultural structures.

January 12th – on the middle of the 3rd page ‘explosive products, hazardous substances, highly flammable products, and highly flammable’ are listed for deletion from the definitions yet they may still be included in the list of Prohibited Uses. This should be double checked later with the attorney as to whether we need to include a definition for each listed prohibition or to just rely on the Webster’s dictionary for the meaning.

All in favor, motion carries.

4. Citizen’s Comments: none
5. Comments from Town Planner on previously reviewed DRAFT Regulations
 - a. The following section was moved from Art. IV to Art. I Section 3 at the January 5th meeting:

D. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this ~~bylaw~~ **Regulation**, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this Regulation if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.

D. Fey, explained that after having read this several times and having had several current and past colleagues read the above section none of which thought it made sense. J. Gordon explained he felt it was about not being allowed to make a conforming lot so small as to make it non-conforming which is already prohibited elsewhere. Discussion ensued with the consensus that it was not clear and the topic was covered elsewhere and should be deleted.

- b. The definition of 'Business Office' was discussed at the January 12th meeting along with 'Office Building' and 'Professional Office' and the Subcommittee created a new definition for 'Office, Business and Professional', however D. Fey was unclear as to what to do with 'Business office'. The consensus was to delete it.

~~**Business Office: space used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity; it may include space used for services to office workers such as a restaurant, coffee shop, newspaper or candy stand, and child-care facilities.**~~

6. Other from Commission (no discussion of pending or potential applications)
Multifamily / Two-family homes / Duplexes currently require 10 acres with 200 foot front setbacks. This seems excessive. Discussion ensued as to what the reasonable minimum lot size should be for a two-family home. D. Fey encourages the issue be discussed to determine all the areas in the regulations that would need to be changed including the definition, standards (lot size, etc.) and what the requirements would be to build a new one in addition to identifying where deletions should be made in the Regulations to make sure the end result is consistent. Perhaps existing large buildings could be converted into a two-family home to accommodate modern differences in family types and an aging population.

Some questions came up: Are duplexes always owned by two separate parties? Who or which unit would get a shed or how many sheds? D. Fey stated that structures need a permit and need to comply with the standards thus it shouldn't matter who gets a shed or how many as long as they follow the regulations, then they are in compliance. D. Fey will prepare some information and to send out an email to the whole Commission on this topic for discussion at a future meeting.

7. DRAFT Zoning Regulations, Article V
The following changes were agreed to by the Subcommittee. Minor clarifications or deletions were made to clarify the meaning, where significant changes were made, they are included below, **bold** text is added, ~~crossed-out~~ is deleted. (The whole document with all changes from this meeting incorporated is on file with the Town Planner.) K. Goldsmith, J. Gordon, M.D. and D. Durst had reviewed this and have prepared many comments which will be discussed along with everyone else's as each page is reviewed.

Formatting corrections need to be made throughout the document. Some of the DRAFT sections in this General section will be relocated to the Special Permit section. All locations where 'regulations' refers to our Zoning Regulations will be changed to 'Regulations'; 'Zoning Enforcement Officer' will be changed to 'ZEO' throughout the document except for the first time where ZEO will be in parentheses; Connecticut Department of Environmental Protection will be changed to Connecticut Department of **Energy &** Environmental Protection and Connecticut Department of Health Services will change to Connecticut Department of **Public Health**.

Article V, ~~A~~. Section 1

- A. ...no building or part thereof or other structure shall be erected, constructed, built, moved, placed, reconstructed, extended, enlarged, or altered ~~or demolished~~ and no land development...
- B. Any use, building or structure legally existing at the time of the initial adoption of these

Regulations, or of any **subsequent** amendments thereto, may be continued **unchanged** without the necessity of securing any zoning permit, special permit, or zoning variance.

C. 2. residential landscaping;

5. excavation and removal of less than **one hundred** (100) cubic yards of earth materials, cumulatively, from a lot or parcel, which excavation or removal is not of surplus materials as described **herein** ~~in subsections (2) and (3).~~"

D. "Special permits and variances must be ~~properly~~ recorded..." thru and including 1-4. [this text will be deleted here and moved to Art. V Section 6 as appropriate]

There was a debate about whether text related to waiver, public hearings and recording findings should be moved to Art. V, Section 1.E or to create a separate section about waivers. No decision was made.

The following E&F subsections had previously been stricken out but the consensus was to make the following changes as shown below.

E. No building permit or certificate of occupancy shall be issued for a building, structure or use subject to these regulations without a zoning permit from the Zoning Enforcement Officer indicating that such building, use or structure is in conformity with these regulations or is a lawfully existing nonconforming use under these regulations.

F. The issuance of a zoning permit or special permit under these regulations does not relieve the applicant of any obligation to obtain other permits or approvals that may be necessary for the proposed use. ~~including but not limited to inland wetlands and subdivision permits.~~

G. A zoning permit shall be required for all ~~such~~ regulated activities, including those also requiring a special permit.

~~H. For any activity requiring a special permit as set forth in these Regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor structures or premises erected, altered, enlarged or used until the Commission grants a special permit or amends a previously granted special permit. All requirements of this section shall be in addition to other requirements applicable in the district in which the special permit activity is located~~

The following definitions are added to Article II

ZBA: Zoning Board of Appeals

ZEO: Zoning Enforcement Officer

**Zoning Regulations: The Zoning Regulations of the Town of Woodstock, Connecticut, which
shall include the Zoning Map and all appendices**

Article V, ~~B,~~ Section 2 **Preliminary Discussions**

The Commission encourages, but does not require, persons considering any application to discuss the contemplated use of land or a structure with the Commission or the ZEO in advance of making formal application. The preliminary discussion cannot be viewed as binding upon the Commission, the ZEO or the applicant.

- ~~A. Prior to submitting a formal application for a zoning permit or special permit, the applicant is encouraged to prepare a rough conceptual plan of the proposed project or use, and to discuss the proposal with the Zoning Enforcement Officer and/or the Planning & Zoning Commission.~~
- ~~B. The purpose of this informal evaluation is to aid the applicant in the interpretation and applicability of regulations, and to save the applicant from any loss of time, effort and unnecessary expense. However, each applicant should understand that any comments made by the Zoning Enforcement Officer or Commission members during such preliminary discussions are not binding, and that the Zoning Enforcement Officer and the Commission may reconsider and reevaluate any formal application on the basis of information available at the time of such application and the decision thereon. **Presentation of the preliminary plan shall not constitute "formal" application within the meaning of Title 8, Chapter 126, of the Connecticut General Statutes, as amended and the Commission's review of said preliminary plan and its comments, if any, shall not be deemed to be the official "action" or "decision" within the meaning of said Title and Chapter.**~~

Article V, ~~C,~~ Section 3 **Zoning Permit Requirements**

- ~~B. A zoning permit shall be required for all such activities, including those also requiring a special permit.~~
- ~~Information Requirements:~~ Application for a zoning permit shall be on a form supplied by the ~~Planning & Zoning Commission~~. All information shall be provided in ~~written and/or mapped form~~, **printed and digital versions of required materials as to be determined by ZEO-appropriate**. If the application is to be reviewed by the Commission, then fifteen (15) copies shall be submitted with the application. Except as provided below, all of the following shall be required:
- D. **Where water service/water supply is required, written approval for** from the appropriate authorities;
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company, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by the Commissioner [as per CGS], unless the ZEO determines that the proposed activity will not adversely affect the public water supply; ~~Such notice shall be made by certified mail, return receipt requested, and shall be mailed not later than seven days after the date of the application.~~

G. Subdivision approval from the ~~Planning & Zoning~~ Commission, ~~when~~ **where** required;

H. Application ~~Zoning Permit~~ fees;

D. Durst requests that D. Fey determine what was meant by a 'Zoning permit plan' and 'survey plan form' which is listed as a requirement in Article V, Section 3.J and get back to the Subcommittee for the next meeting.

8. DRAFT Zoning Regulations, Article VII

Motion to table this Article VII to the next Subcommittee meeting (J. Gordon / D. Durst). All in favor, motion carries.

Motion to table the balance of Article V to resume at the next Subcommittee meeting (D. Durst / S. Blodgett). All in favor, motion carries.

9. Agenda for next meeting

- a. March 1, 2012 Subcommittee meeting – to resume review of Article V, Section 3.I and then discuss Article VII
- b. Extra Subcommittee meeting? – no special meetings were scheduled

10. Adjournment was at 10:07 p.m. (S. Blodgett / J. Gordon, M.D.). All in favor, motion carries.

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